

2011 DOA PROPOSED LEGISLATION SORTED BY PRIORITY

PRIORITY	SHORT TITLE	DIVISION
1	Coordination of Insurance Benefits vs. Subrogation	HCBD
2	Extend Wireless 9-1-1 Fund Distribution	ITSD
3	Amend Montana Mortgage Broker and Mortgage Lender Licensing Act	BFID
4	Extend Bond Validating Act	DIR
5	Consolidation of State Employee Benefit Plan Requirements within Title 2	HCBD
6	Regulate and License Money Transmitters	BFID
7	Amend Montana Deferred Deposit Loan Act	BFID
8	Amend Montana Title Loan Act	BFID
9	Eliminate the Publishing Policy Committee	GSD
10	Local Government Auditor Selection	SAD
11	State Warrant – Presentation and Cancellation Cleanup	SAD

SORTED BY DIVISION

DIVISION	SHORT TITLE	PRIORITY
BFID	Amend Montana Mortgage Broker and Mortgage Lender Licensing Act	3
BFID	Regulate and License Money Transmitters	6
BFID	Amend Montana Deferred Deposit Loan Act	7
BFID	Amend Montana Title Loan Act	8
DIR	Extend Bond Validating Act	4
GSD	Eliminate the Publishing Policy Committee	9
HCBD	Coordination of Insurance Benefits vs. Subrogation	1
HCBD	Consolidation of State Employee Benefit Plan Requirements within Title 2	5
ITSD	Extend Wireless 9-1-1 Fund Distribution	2
SAD	Local Government Auditor Selection	10
SAD	State Warrant – Presentation and Cancellation Cleanup	11

Legend:

BFID: Banking and Financial Institutions Division
 DIR: Office of the Director
 GSD: General Services Division
 HCBD: Health Care and Benefits Division
 ITSD: Information Technology Services Division
 SAD: State Accounting Division

Proposed 2011 Session Legislation

Agency Name & No:

Department of Administration

Priority Number:

1

Filename:

6101_21-001.xls

Short Title:

Clarify Coordination of Insurance Benefits vs. Subrogation for State Group Insurance Plan

Agency Contact Person/Phone:

Connie Welsh: 444-2553 / Amber Godbout: 444-9479

1. Purpose:

This bill will amend the state group insurance provisions under Title 2, Part 8, MCA. The general purpose is to distinguish between subrogation and the process the state follows (coordination of benefits) in situations where a third party is potentially liable for the medical costs incurred by a state employee or their dependent insured under the state group insurance plan.

2. Background:

In October 2008, the State and several other defendants were served with a class action lawsuit by two state insureds who each sustained injuries in car accidents caused by a third party (Diaz case). The plaintiffs are arguing that, in cases where a state insured is injured by a third party, the state's health care claims handling process violates Montana law. The district court has denied plaintiff's class action request, which decision the plaintiffs have appealed to the Montana Supreme Court. After the Diaz case was filed, a state district court decision held that Blue Cross and Blue Shield's (BCBS) handling of claims for its insureds injured by a third party was unlawful. In September 2009, the Montana Supreme Court affirmed the district court's BCBS decision. The Department of Administration believes the result in the Diaz case should be different from the result in the BCBS case because different laws apply. The state's plan is governed by Title 2, Part 8, MCA, while private insurers are governed by Title 33, MCA. However, legislation is needed to clarify this area of the law.

3. Fiscal Impact by Fund Type:

This impact should be as specific as possible.

The potential impact will depend, among other things, on the Montana Supreme Court's decision concerning the plaintiffs' request for a class action. In the long term, the fiscal impact could be significant.

4. Summary Checklist [Check & complete all that apply]--

☐ Housekeeping Only☐ Federal Requirement☐ Audit Recommendation (Audit No.:☐ Major Legislation☒ Anticipated to be Controversial Legislation☐ Bill Draft has been included in Legislation Submittal (if available)☐ Supports Submitted EPP Item Number:☐ Local Government Fiscal Impact☐ Increases FTE, or ☐ Decreases FTE byList FTE amount
and program☐ Increases Existing Revenue ☐ Tax ☐ Fee ☐ Penalty [amount in #3]☐ Decreases Existing Revenue ☐ Tax ☐ Fee ☐ Penalty [amount in #3]☐ Establishes New Revenue ☐ Tax ☐ Fee ☐ Penalty [amount in #3]☐ Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):☐ Legislation would affect other state agencies (list):☐ Special Interest Groups Affected (list):☐ Other:

Proposed 2011 Session Legislation

Agency Name & No:	Department of Administration		
Priority Number:	2	Filename:	6101_07-002
Short Title:	Extend Wireless 9-1-1 Fund Distribution		
Agency Contact Person/Phone:	Becky Berger: 444-1966		

1. Purpose:

The purpose of this legislation would be to extend the "84-16" sunset in existing 9-1-1 statute (10-4-313, MCA) for the enhanced wireless account from June 30, 2011 to June 30, 2015. Current statute requires 16% of the 9-1-1 wireless enhanced account to be distributed to: 1) wireless providers serving cities and counties with less than 1% of the total population of the State, and 2) cities and counties with less than 1% of the total population of the State.

2. Background:

When the wireless enhanced 9-1-1 statute was enacted in 2007, 16% of the account was directed towards: 1) wireless providers serving cities and counties with less than 1% of the population and 2) the cities and counties with less than 1% of the population, to reflect the fixed wireless enhanced 9-1-1 upgrade costs, regardless of city or county size. The June 30, 2011 sunset date was based on the assumption all 53 Public Safety Answering Points (PSAPS) would be converted to wireless enhanced 9-1-1 by that date and significant upgrade costs would not reoccur in the future.

3. Fiscal Impact by Fund Type:*This impact should be as specific as possible.*

Without this extension, the 31 counties with less than 1% of the total population would see a reduction in their quarterly distribution in the amount of approximately \$2,000. In addition, there are 16 counties with populations between 1.02% and 2.08% of the total population that qualify under statute to receive an amount equal to what the 31 counties with less than 1% of the population receive. The 9 largest counties would see an increase in their quarterly distribution of approximately \$8,000-\$10,000. The total 9-1-1 revenues would not change, only the manner in which it is distributed.

4. Summary Checklist [Check & complete all that apply]--

<input type="checkbox"/> Housekeeping Only	<input type="checkbox"/> Federal Requirement	<input type="checkbox"/> Audit Recommendation (Audit No.:	<input type="checkbox"/> Major Legislation
<input type="checkbox"/> Anticipated to be Controversial Legislation	<input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available)		
<input type="checkbox"/> Supports Submitted EPP Item Number:	<input type="checkbox"/> Local Government Fiscal Impact		
<input type="checkbox"/> Increases FTE, or	<input type="checkbox"/> Decreases FTE by	List FTE amount and program	
<input type="checkbox"/> Increases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Decreases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Establishes New Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input checked="" type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):			HB118/2009 Session
<input type="checkbox"/> Legislation would affect other state agencies (list):			
<input checked="" type="checkbox"/> Special Interest Groups Affected (list):			Wireless Providers-Verizon, AllTel, etc; MACo/Local Government
<input type="checkbox"/> Other:			

Proposed 2011 Session Legislation

Agency Name & No:	Banking and Financial Institutions, Department of Administration, 6101		
Priority Number:	3	Filename:	6101_14-003.xls
Short Title:	Amend Montana Mortgage Broker and Mortgage Lender Licensing Act		
Agency Contact Person/Phone:	Chris Romano: 841-2928 / Annie Goodwin: 841-2927		

1. Purpose:

The proposal will amend the Montana Mortgage Broker, Mortgage Lender, and Mortgage Loan Originator Licensing Act (Act). There are two main parts of this concept. The first is to implement changes requested the U.S. Department of Housing and Urban Development (HUD) which are necessary to comply with federal SAFE Act (federal law). The second is to revise the definition of a mortgage lender to include mortgage loan servicing. Some housekeeping changes will also be included.

2. Background:

The Act was substantially amended during the 2009 Regular Legislative Session in response to the passage of the federal law. HUD is required to review all states' legislation for compliance with the federal law. If HUD determines that a state has not made a good faith effort to comply Montana could risk federal preemption of the regulation of mortgage loan originators. Mortgage loan servicing is critical since the servicers handle foreclosure mitigation, loan modification requests and hold borrower escrow funds.

3. Fiscal Impact by Fund Type:

This impact should be as specific as possible.

It is estimated that an additional 25 entities that engage in mortgage loan servicing would apply for licensure as a mortgage lender. The licensing of mortgage servicers as mortgage lenders would increase revenue to the state special revenue fund. In FY 2012 and FY 2013 additional revenue would be \$18,750 (25 mortgage lenders x \$750 licensing fee). The licensing fee for a mortgage lender is \$750 (32-9-117, MCA). Operational expenditures would be incurred in the areas of rulemaking and training.

4. Summary Checklist [Check & complete all that apply]--

<input type="checkbox"/> Housekeeping Only	<input type="checkbox"/> Federal Requirement	<input type="checkbox"/> Audit Recommendation (Audit No. _____)	<input type="checkbox"/> Major Legislation
<input checked="" type="checkbox"/> Anticipated to be Controversial Legislation	<input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available)		
<input type="checkbox"/> Supports Submitted EPP Item Number: _____	<input type="checkbox"/> Local Government Fiscal Impact		
<input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by _____	List FTE amount and program _____		
<input checked="" type="checkbox"/> Increases Existing Revenue	<input type="radio"/> Tax	<input checked="" type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Decreases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Establishes New Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): _____			
<input type="checkbox"/> Legislation would affect other state agencies (list): _____			
<input checked="" type="checkbox"/> Special Interest Groups Affected (list): <u>Montana Association of Mortgage Brokers</u>			
<input type="checkbox"/> Other: _____			

Proposed 2011 Session Legislation

Agency Name & No:	Department of Administration 61010		
Priority Number:	4	Filename:	6101_01-004
Short Title:	Extend Bond Validating Act		
Agency Contact Person/Phone:	Sheryl Olson: 444-3307		

1. Purpose:

The purpose is to extend the Bond Validating Act by updating 17-5-205, MCA, to cover bonds issued since the last legislative session.

2. Background:

This bill is brought forward each session to receive a legislative confirmation of the validity of bonds issued by the State. The Act prevents the individual investor from having to employ an attorney to examine all of the proceedings under which the bonds were issued. Should there be an irregularity, the Act cures the irregularity to ensure the validity of the bonds.

3. Fiscal Impact by Fund Type:

This impact should be as specific as possible.

No fiscal impact.

4. Summary Checklist [Check & complete all that apply]--

<input checked="" type="checkbox"/> Housekeeping Only	<input type="checkbox"/> Federal Requirement	<input type="checkbox"/> Audit Recommendation (Audit No. _____)	<input type="checkbox"/> Major Legislation
<input type="checkbox"/> Anticipated to be Controversial Legislation	<input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available)		
<input type="checkbox"/> Supports Submitted EPP Item Number: _____	<input type="checkbox"/> Local Government Fiscal Impact		
<input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by _____	List FTE amount and program _____		
<input type="checkbox"/> Increases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Decreases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Establishes New Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input checked="" type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):	HB 97, 2009 Session		
<input type="checkbox"/> Legislation would affect other state agencies (list):	_____		
<input type="checkbox"/> Special Interest Groups Affected (list):	_____		
<input type="checkbox"/> Other:	_____		

Proposed 2011 Session Legislation

Agency Name & No:	Department of Administration		
Priority Number:	5	Filename:	6101_21-005.xls
Short Title:	Consolidation of State Employee Benefit Plan Requirements within Title 2		
Agency Contact Person/Phone:	Connie Welsh: 444-2553 / Amber Godbout: 444-9479		

1. Purpose:

This is a housekeeping bill to consolidate all requirements for the State Employee Group Benefit Plan and the Montana University System Benefit Plan under Title 2, MCA, and remove any references from Title 33, MCA.

2. Background:

The State Employee Group Benefit Plan was created by the Legislature in 1979 and was exempted from the oversight of the State Insurance Commissioner (§ 33-1-102(7), MCA). In subsequent years, insurance mandates were added and the mandates were incorporated under Title 33 (generally applying to private insurers). Some of the mandates apply to the State Employee Plan and some do not. We recommend listing all required provisions of the State Employee Group Benefit Plan under Title 2 and maintaining a clear separation and exemption from Title 33.

3. Fiscal Impact by Fund Type:

This impact should be as specific as possible.

None.

4. Summary Checklist [Check & complete all that apply]--

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|--|---|---|--|
| <input checked="" type="checkbox"/> Housekeeping Only | <input type="checkbox"/> Federal Requirement | <input type="checkbox"/> Audit Recommendation (Audit No. _____) | <input type="checkbox"/> Major Legislation |
| <input type="checkbox"/> Anticipated to be Controversial Legislation | <input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available) | | |
| <input type="checkbox"/> Supports Submitted EPP Item Number _____ | <input type="checkbox"/> Local Government Fiscal Impact | | |
| <input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by _____ | List FTE amount and program _____ | | |
| <input type="checkbox"/> Increases Existing Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Decreases Existing Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Establishes New Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): _____ | | | |
| <input type="checkbox"/> Legislation would affect other state agencies (list): _____ | | | |
| <input type="checkbox"/> Special Interest Groups Affected (list): _____ | | | |
| <input type="checkbox"/> Other: _____ | | | |

Proposed 2011 Session Legislation**Agency Name & No:** Banking and Financial Institutions, Department of Administration, 6101**Priority Number:** 6 **Filename:** 6101_14-006**Short Title:** Regulate and License Money Transmitters**Agency Contact Person/Phone:** Chris Romano: 841-2928 / Annie Goodwin: 841-2927**1. Purpose:**

The purpose of this legislative concept is to provide for the licensing and examination of money transmitters which provide their services to Montana consumers. Money transmitters engage in business to sell or issue payment instruments, stored value or receive money or monetary value for transmission to a location within or outside the United States by any and all means, including wire, facsimile or electronic transfers. Examples of money transmitters include Western Union and Money Gram.

2. Background:

Money transmitters are not currently regulated or licensed in Montana. Montana is one of only three states that does not regulate money transmitters. Consumers commonly use the services of money transmitters to wire funds across the United States or throughout the world. There are illegitimate businesses and scams that take advantage of Montana consumers who end up wiring funds on bogus transactions. These types of transactions may be better tracked and deterred through regulation of money transmitters.

3. Fiscal Impact by Fund Type: *This impact should be as specific as possible.*

This legislation would create expenditures and revenue in a state special revenue fund for BFI to administer the licensing and examination of money transmitters. It is estimated that 25 money transmitters would obtain licenses. It is estimated that licensing revenue in FY 2012 would be \$37,500 (25 money transmitters x \$1,500 initial license fee) and in FY 2013 would be \$25,000 (25 money transmitters x \$1,000 renewal license fee). Operational expenditures would be incurred in the areas of rulemaking and training.

4. Summary Checklist [Check & complete all that apply]--

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|--|---|---|---|
| <input type="checkbox"/> Housekeeping Only | <input type="checkbox"/> Federal Requirement | <input type="checkbox"/> Audit Recommendation (Audit No. _____) | <input checked="" type="checkbox"/> Major Legislation |
| <input type="checkbox"/> Anticipated to be Controversial Legislation | <input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available) | | |
| <input type="checkbox"/> Supports Submitted EPP Item Number _____ | <input type="checkbox"/> Local Government Fiscal Impact | | |
| <input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by _____ | List FTE amount and program _____ | | |
| <input checked="" type="checkbox"/> Increases Existing Revenue | <input type="radio"/> Tax | <input checked="" type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Decreases Existing Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input checked="" type="checkbox"/> Establishes New Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): _____ | | | |
| <input type="checkbox"/> Legislation would affect other state agencies (list): _____ | | | |
| <input checked="" type="checkbox"/> Special Interest Groups Affected (list): National Money Transmitters Association | | | |
| <input type="checkbox"/> Other: _____ | | | |

Proposed 2011 Session Legislation**Agency Name & No:** Banking and Financial Institutions, Department of Administration, 6101**Priority Number:** 7 **Filename:** 6101_14-007**Short Title:** Amend Montana Deferred Deposit Loan Act**Agency Contact Person/Phone:** Chris Romano: 841-2928**1. Purpose:**

This proposal amends three areas of the Montana Deferred Deposit Loan Act (Act). Part one will provide for a loan database to ensure that borrowers cannot have more than one deferred deposit loan outstanding at any time. Part two will provide that upon default licensees and borrowers may enter into payment plans at no cost to the consumer. The payment plan must be in writing and acknowledged by the borrower and licensee. Part three will provide that deferred deposit loans made by unlicensed lenders are null and void.

2. Background:

The Act prohibits lenders from making deferred deposit loans to borrowers who have an outstanding deferred deposit loan. There is currently no way to track this loan activity. A loan database would be an effective tool in enforcing this statute. A payment plan provision is not included in the Act. The Division receives frequent complaints against unlicensed Internet payday lenders. Making these loans null and void would be a deterrent to their loan activity in Montana.

3. Fiscal Impact by Fund Type:*This impact should be as specific as possible.*

There is no fiscal impact.

4. Summary Checklist [Check & complete all that apply]--

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|---|---|---|--|
| <input type="checkbox"/> Housekeeping Only | <input type="checkbox"/> Federal Requirement | <input type="checkbox"/> Audit Recommendation (Audit No. _____) | <input type="checkbox"/> Major Legislation |
| <input checked="" type="checkbox"/> Anticipated to be Controversial Legislation | <input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available) | | |
| <input type="checkbox"/> Supports Submitted EPP Item Number _____ | <input type="checkbox"/> Local Government Fiscal Impact | | |
| <input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by _____ | List FTE amount and program _____ | | |
| <input type="checkbox"/> Increases Existing Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Decreases Existing Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Establishes New Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input checked="" type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): | | | SB 397 (09), HB 29 (07) |
| <input type="checkbox"/> Legislation would affect other state agencies (list): _____ | | | |
| <input checked="" type="checkbox"/> Special Interest Groups Affected (list): | | Montana Financial Services Assoc, Community Fin. Services Assoc | |
| <input type="checkbox"/> Other: _____ | | | |

Proposed 2011 Session Legislation**Agency Name & No:** Banking and Financial Institutions, Department of Administration, 6101**Priority Number:** 8 **Filename:** 6101_14-008**Short Title:** Amend Montana Title Loan Act**Agency Contact Person/Phone:** Chris Romano: 841-2928 / Annie Goodwin: 841-2927**1. Purpose:**

The proposal amends the Montana Title Loan (Act). The Act's purpose is to protect consumers who enter into short-term, high-rate loans. An amendment to 31-1-816, MCA, would shorten the maximum term of a title loan to six months by requiring a 20% reduction in principal on each renewal of a title loan renewal. Amend 31-1-818, MCA, to remove the date on which the borrower's exclusive right to redeem the pledged certificate of title expires.

2. Background:

31-1-816, MCA, allows a title lender to renew a title loan for up to 15 months. This does not appear consistent with the purpose of the Act which provides for short-term loans. The date of the borrower's exclusive right to redeem the pledged certificate of title (31-1-818, MCA) cannot be known at the time of the initial loan or subsequent renewal. This date must be at least 20 days after a separate written notification provided by the lender. This notification cannot be sent until default or expiration of a title loan agreement.

3. Fiscal Impact by Fund Type: *This impact should be as specific as possible.*

There is no fiscal impact.

4. Summary Checklist [Check & complete all that apply]--

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Housekeeping Only | <input type="checkbox"/> Federal Requirement | <input type="checkbox"/> Audit Recommendation (Audit No. _____) | <input type="checkbox"/> Major Legislation |
| <input checked="" type="checkbox"/> Anticipated to be Controversial Legislation | <input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available) | | |
| <input type="checkbox"/> Supports Submitted EPP Item Number _____ | <input type="checkbox"/> Local Government Fiscal Impact | | |
| <input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by _____ | List FTE amount and program _____ | | |
| <input type="checkbox"/> Increases Existing Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Decreases Existing Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Establishes New Revenue | <input type="radio"/> Tax | <input type="radio"/> Fee | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): _____ | | | |
| <input type="checkbox"/> Legislation would affect other state agencies (list): _____ | | | |
| <input type="checkbox"/> Special Interest Groups Affected (list): _____ | | | |
| <input type="checkbox"/> Other: _____ | | | |

Proposed 2011 Session Legislation

Agency Name & No:	Department of Administration		
Priority Number:	9	Filename:	6101_01-009
Short Title:	Eliminate the Publishing Policy Committee		
Agency Contact Person/Phone:	Janet R. Kelly: 444-3033		

1. Purpose:

This bill would:

- A. Repeal the Publishing Policy Committee laws (2-15-1017, MCA and 18-7-303, MCA). In 1981, the committee delegated its responsibilities to agency directors and the Publishing & Graphics Division (now the Print & Mail Services bureau).
- B. Clarify who is responsible for ensuring cost disclosures on all public documents by inserting. "Each agency is responsible for the public disclosure of costs on public documents" at the beginning of 18-7-306, MCA.

2. Background:

The Publishing Policy Committee was established in 1979, and has not met since 1981, when it delegated its duties and responsibility to agency directors and the Print and Mail Services Bureau. In February 2010, Performance Audit #09-P-14: State Printing of Public Documents, recommended the committee seek legislation to clarify responsibility for ensuring cost disclosures are included on all public documents.

3. Fiscal Impact by Fund Type:

This impact should be as specific as possible.

none

4. Summary Checklist [Check & complete all that apply]--

<input type="checkbox"/> Housekeeping Only	<input type="checkbox"/> Federal Requirement	<input checked="" type="checkbox"/> Audit Recommendation (Audit No. 09P-14)	<input type="checkbox"/> Major Legislation
<input type="checkbox"/> Anticipated to be Controversial Legislation	<input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available)		
<input type="checkbox"/> Supports Submitted EPP Item Number	<input type="checkbox"/> Local Government Fiscal Impact		
<input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by	List FTE amount and program		
<input type="checkbox"/> Increases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Decreases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Establishes New Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):			
<input checked="" type="checkbox"/> Legislation would affect other state agencies (list): All			
<input type="checkbox"/> Special Interest Groups Affected (list):			
<input type="checkbox"/> Other:			

Proposed 2011 Session Legislation

Agency Name & No:	Department of Administration 6101		
Priority Number:	10	Filename:	6101_03-010
Short Title:	Auditor Selection		
Agency Contact Person/Phone:	Kay Gray: 841-2903		

1. Purpose:

To amend 2-7-506(5), MCA to change the requirement that the department select an auditor for local governments that do not present a signed contract to the department for approval within 90 days of notification of their need for an audit. The word "shall" would be replaced with "may."

2. Background:

Selecting an auditor for a local government is difficult for many reasons. The department received an audit comment because of not following the current law's requirement.

3. Fiscal Impact by Fund Type:

This impact should be as specific as possible.

No fiscal impact

4. Summary Checklist [Check & complete all that apply]--

<input checked="" type="checkbox"/> Housekeeping Only	<input type="checkbox"/> Federal Requirement	<input checked="" type="checkbox"/> Audit Recommendation (Audit No. 08-13	<input type="checkbox"/> Major Legislation
<input type="checkbox"/> Anticipated to be Controversial Legislation	<input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available)		
<input type="checkbox"/> Supports Submitted EPP Item Number	<input type="checkbox"/> Local Government Fiscal Impact		
<input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by	List FTE amount and program		
<input type="checkbox"/> Increases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Decreases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Establishes New Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):			
<input type="checkbox"/> Legislation would affect other state agencies (list):			
<input checked="" type="checkbox"/> Special Interest Groups Affected (list): Indirectly MACO/ League of Cities & Towns			
<input type="checkbox"/> Other:			

Proposed 2011 Session Legislation

Agency Name & No:	Department of Administration		
Priority Number:	11	Filename:	6101_03-011
Short Title:	State Warrant - Presentation and Cancellation Cleanup		
Agency Contact Person/Phone:	Paul Christofferson/444-4609		

1. Purpose:

Amend 70-9-808(5), MCA, to exclude state warrants as stale-dated under 17-8-303(3), MCA from the requirement to send the holder of property that is presumed abandoned written notice not more than 120 days or less than 60 days before the property is transferred to the Department of Revenue, if the value of the property is \$50 or more.

2. Background:

At the time the additional notification provided under this statute is required, almost 4 years has elapsed since the date of issuance of the original payment. During the initial seven months of this time state agencies and the Department of Administration make significant efforts to contact the original recipient and reissue the payment. Because of the nature of the remaining warrants, and the amount of time that has elapsed (4 years), we estimate that at least 80 - 90% of these written notices would be returned to DOA based on invalid addresses. This administrative step is also not needed because the stale warrants are included in the Department of Revenue's abandoned property notification process.

3. Fiscal Impact by Fund Type: *This impact should be as specific as possible.*

Total Projected Savings to Montana \$2,770. (Cost of Postage for Notifications \$739 Cost of Labor for Notifications/Research \$2,030)

4. Summary Checklist [Check & complete all that apply]--

<input checked="" type="checkbox"/> Housekeeping Only	<input type="checkbox"/> Federal Requirement	<input checked="" type="checkbox"/> Audit Recommendation (Audit No. 8-13 #7: <input type="checkbox"/> Major Legislation
<input type="checkbox"/> Anticipated to be Controversial Legislation	<input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available)	
<input type="checkbox"/> Supports Submitted EPP Item Number	<input type="checkbox"/> Local Government Fiscal Impact	
<input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by	List FTE amount and program	
<input type="checkbox"/> Increases Existing Revenue	<input type="radio"/> Tax <input type="radio"/> Fee <input type="radio"/> Penalty [amount in #3]	
<input type="checkbox"/> Decreases Existing Revenue	<input type="radio"/> Tax <input type="radio"/> Fee <input type="radio"/> Penalty [amount in #3]	
<input type="checkbox"/> Establishes New Revenue	<input type="radio"/> Tax <input type="radio"/> Fee <input type="radio"/> Penalty [amount in #3]	
<input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):		
<input checked="" type="checkbox"/> Legislation would affect other state agencies (list):	Department of Revenue	
<input type="checkbox"/> Special Interest Groups Affected (list):		
<input type="checkbox"/> Other:		